

ORIGINAL

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

U.S. DISTRICT COURT
AT AUGUSTA

2008 OCT 24 PM 2:55

CLERK *L. Johnson*
SO. DIST. OF GA.

SCOTT VINCENT,)
)
Plaintiff,)
)
v.) CV 108-067
)
GERALD JONES VOLKSWAGEN, INC.,)
d/b/a GERALD JONES HONDA;)
AMERICAN HONDA MOTOR CO., INC.;)
and TAKATA CORPORATION,)
)
Defendants.)

SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16(b) and the Local Rules of this Court, and having reviewed the Rule 26(f) Report, the following dates represent the scheduling deadlines in the above-styled case:

DATE ISSUE JOINED	September 29, 2008
DATE OF RULE 26(f) CONFERENCE	October 6, 2008
LAST DAY FOR FILING MOTIONS TO AMEND OR ADD PARTIES	November 28, 2008
LAST DAY TO FURNISH EXPERT WITNESS REPORT ON DAMAGES BY PLAINTIFF	December 5, 2008 ¹

¹The Court notes that the parties seek what amounts to a bifurcation and an extension of time for the disclosure of expert witness reports. This proposal from the parties, in effect, gives each side a sixty (60) day extension for full disclosure of its expert witness reports. Rather than extending the expert report deadlines for a full sixty (60) days, the Court will allow Plaintiff to bifurcate the disclosure of his expert witness reports, with his damages expert report due at the standard deadline and his causation/liability expert report due thirty (30) days thereafter. Defendants' expert witness report is due thirty (30) days after the disclosure of Plaintiff's liability/causation expert witness report. If this Scheduling Order does not provide sufficient time for furnishing of the required materials and it

LAST DAY TO FURNISH EXPERT WITNESS REPORT ON LIABILITY/CAUSATION BY PLAINTIFF	January 4, 2009
LAST DAY TO FURNISH EXPERT WITNESS REPORT BY DEFENDANT	February 3, 2009
CLOSE OF DISCOVERY	March 18, 2009 ²
LAST DAY FOR FILING CIVIL MOTIONS EXCLUDING MOTIONS IN LIMINE	April 17, 2009

The Court is aware of the agreement contained in the Rule 26(f) Report pertaining to the preservation, disclosure, or discovery of electronically stored information. (Doc. no. 25, ¶ 9). This agreement shall be incorporated as part of this Order as if set forth fully herein.³

Defendants shall submit their portion of the pre-trial order to Plaintiff five (5) days before the pre-trial order deadline, in default of which sanctions may be imposed.

Motions in limine shall be filed no later than **FIVE (5) DAYS PRIOR TO THE PRE-TRIAL CONFERENCE.**

All motions, other than summary judgment and motions to dismiss, shall be accompanied with a proposed order.

**ANY WITNESS KNOWN PRIOR TO THE CLOSE OF
DISCOVERY AND NOT DISCLOSED WILL NOT BE ALLOWED.**

becomes apparent that an extension is needed, the parties may submit a motion requesting an extension of the deadlines at the appropriate time.

²Rather than extending the discovery deadline nearly five (5) months as requested by the parties, the Court will extend the discovery deadline by thirty (30) days. All remaining deadlines have been extended accordingly. Again, if this Scheduling Order does not provide sufficient time for filing the required materials and it becomes apparent that an extension is needed, the parties may submit a motion requesting an extension of the deadlines at the appropriate time.

³Additionally, the Court notes that parties did not reach an agreement as to issues regarding claims of privilege or protection of trial preparation material, as no such issues are known at this time. (Doc. no. 25, ¶ 10). However, the parties are collaborating on a consent protective order to govern disclosure of "trade secret and other proprietary materials" and anticipate filing a motion for entry of this protective order. (*Id.*).

Curriculum vitae on all expert witnesses shall be filed separately with the pre-trial order. This rule will be strictly adhered to and the Court will not allow the expert witness to testify if this has not been complied with.

SO ORDERED this 27th day of October, 2008, at Augusta, Georgia.


W. LEON BARFIELD
UNITED STATES MAGISTRATE JUDGE